

## PATENT APPLICATION

## UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of Steven Walak

Group Art Unit: 2835

Application No.: 10/701,456

**Examiner: Unassigned** 

Filed: November 6, 2003

Docket No.: 12013/47701

For TWO WAY COMPOSITE NITINOL ACTUATION

## INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 CFR § 1.56, the attention of the Patent and Trademark Office is hereby directed to the reference(s) listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the reference(s) be made of record therein and appear among the "References Cited" on any patent to issue therefrom. The filing of this Information Disclosure Statement and the enclosed PTO Form No. 1449, shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b). The paragraphs marked below are applicable. It is believed that no fees other than those indicated below are due, but authorization is hereby given to charge any additional fees due, or to credit any overpayment, to deposit account 11-0600.

1. This Information Disclosure Statement is being filed (a) within three months of the filing date of a national application other than a continued prosecution application under 37 C.F.R. §1.53(d), (b) within three months of the date of entry of the national stage as set forth in 37 C.F.R. § 1.491 in an international application, (c) before the mailing date of a first Office Action on the merits in the present application, OR (d) before the mailing of a first office action after filing of a request for continued examination. No certification or fee is required.

☐ 2. This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a final action, Notice of Allowance, or any action that otherwise closes prosecution.
a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
□ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
☐ c. Please debit Deposit Account No. <u>11-0600</u> in the amount of \$180.00 in payment of the fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached. 37 CFR §1.97(c)(2).
☐ 3. This Information Disclosure Statement is being filed after the mailing date of a final action, Notice of Allowance or an action that otherwise closes prosecution, but before payment of the Issue Fee. Applicant(s) hereby request(s) that the Information Disclosure Statement be considered. Please debit Deposit Account No. 11-0600 in the amount of \$180.00 in payment of the petition fee under 37 CFR §1.17(p) to ensure consideration of the disclosed information. Two duplicate copies of this paper are attached.
☐ a. I hereby certify that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(1).
□ b. I hereby certify that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 CFR §1.97(e)(2).
☐ 4. Relevance of the non-English language reference(s) is discussed in the present specification.

		•
(PCT/US04/ 2005,and the	The reference(s) was/were cited in a c 035373). Copies of the International Se e Written Opinion of the International Se e attached for the Examiner's informatio	earch Report dated May 13, earching Authority also dated May
	A concise explanation of the relevance appears in the Appendix attached herei	
Noidentification secrecy as to patent. The	The Examiner's attention is directed to _, filed, which is directed to related tech of this U.S. Patent Application is not to that application now or upon issuance Examiner is respectfully requested to core during examination of the present appreciation.	nical subject matter. The be construed as a waiver of of the present application as a consider the cited application and the
attached Applidentification secrecy as to patent. The	This application is one of a series of rependix, which are directed to related technof those U.S. Patent Applications is not those applications now or upon issuant Examiner is respectfully requested to contherein during the examination.	hnical subject matter. The to be construed as a waiver of see of the present application as a
application N	The reference(s) was/were cited by or No, filed, whi 35 U.S.C. §120. Thus, copies of these re	ich is relied upon for an earlier filing
☐ 10. attached her		n-English language references are
□ 11. O	ther.	
		Respectfully submitted,
Date: 3	June 2005 envon	Douglas E. Ringel Registration No. 34,416

Kenyon & Kenyon 1500 K Street, N.W. Washington, D.C. 20005 Telephone: (202) 220-4200

Facsimile: (202) 220-4201

PTO/SB/08a (08-03)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Proposition of Information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO & TRAD			AU	Complete if Known		
				Application Number	10/701,456	
INFORMATION DISCLOSURE			CLOSURE	Filing Date	November 6, 2003	-
STATEMENT BY APPLICANT		First Named Inventor	Steven Walak			
				Art Unit	2835	
(Use as many sheets as necessary)		Examiner Name	Unassigned			
Sheet	1	of	1	Attorney Docket Number	12013/47701	

U.S. PATENT DOCUMENTS					
Examiner Initials *	Cite No. <sup>1</sup>	Document Number  Number - Kind Code <sup>2</sup> (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
=		US- 5,836,066	11/17/98	Ingram et al.	
		US- 4,637,962	01/20/87	Albrecht et al.	
		US- 4,554,027	11/19/85	Tautzenberger et al.	
		US- 4,518,444	05/21/85	Albrecht et al.	
		US-			<del></del>
		US-			-
		US-			<del></del>
		US-			
	1	US-			
		US-	-		
		US-			
	1	US-			

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document		Name of Patentee or	Pages, Columns, Lines,	· ·
		Country Code <sup>3</sup> - Number <sup>4</sup> - Kind Code <sup>5</sup> ( <i>if known</i> )	Publication Date MM-DD-YYYY	Applicant of Cited Document	Where Relevant Passages or Relevant Figures Appear	T <sup>6</sup>
		WO 97/04895 A	02/13/97	·		
		EP 0 305 149 A	03/01/89			
_		DE 101 42 998 A1	03/27/03			
		DE 297 22 840 U1	02/12/98			
		JP 58-163644	09/28/83			_
		WO 03/047794 A1	06/12/03			
		EP 0 555 062 A1	08/11/93			
			-			

Examiner Signature	Date Considered	

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. Applicant's unique citation designation number (optional). See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.